

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6733

BILL NUMBER: SB 525

NOTE PREPARED: Jan 20, 2005

BILL AMENDED:

SUBJECT: Life Imprisonment for Certain Repeat Sex Offenders.

FIRST AUTHOR: Sen. Zakas

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: This bill authorizes the state to seek a sentence of life imprisonment without parole for a person who commits a Class A or Class B felony constituting a sex offense against a child and who has a prior unrelated Class A or Class B felony conviction for a sex offense against a child.

Effective Date: July 1, 2005.

Explanation of State Expenditures: This bill would likely have a minimum effect on the need for additional beds in DOC facilities. LSA identified 16 offenders sentenced between 1999 and 2004 for a Class A or B felony involving child molesting or sexual misconduct with a minor who had a prior commitment in DOC. Of these offenders, one had a prior unrelated Class A or B sex offense.

For the 16 offenders sentenced for a second unrelated offense of child molesting or sexual misconduct with a minor, the average age at time of sentencing and earliest possible release is shown below.

Offenders Committed for Class A or B Child Molesting or Sexual Misconduct with a Minor Between 1999 and 2004 With Any Prior Felony Conviction			
Offense	Number of Offenders	Average Age At Sentencing	Average Age in Year Of Earliest Possible Release
Child Molesting	13	40	75
Sexual Misconduct with a Minor	3	45	61

Under current law, an offender who is convicted of a second sex crime is eligible for an enhancement under the repeat sex offender statute (IC 35-50-2-14). Under this section, the court may sentence a person found to be a repeat sexual offender to an additional fixed term that is the presumptive sentence for the underlying offense. The presumptive sentence for a Class A felony is 30 years, and the presumptive sentence for a Class B felony is 10 years. This additional enhancement for a repeat sexual offender cannot exceed 10 years.

The following illustrates the mandatory minimum for what repeat sexual offenders could receive under current law.

Minimum Sentences (in Years) for Repeat Sexual Offenders			
<u>Underlying Offense</u>	<u>Mandatory Minimum</u>	<u>Repeat Sexual Offender Enhancement</u>	<u>Minimum Total Sentence</u>
Felony A	20	10	30
Felony B	6	10	16

The average expenditure to house an adult offender was \$21,514 in FY 2004, ranging from a low of \$16,645 to a high of \$49,281. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected:

Information Sources: Department of Correction.

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